

INSPEC'D PCT/PTO 10 APR 2006

MAIL STOP MISSING PARTS

PATENT

8012-1318

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Satoshi OMURA et al.

Conf. 7152

Application No. 10/535,263

Filed May 17, 2005

STRAIN BELONGING TO THE GENUS STREPTOMYCES  
AND BEING CAPABLE OF PRODUCING NEMADICTIN AND  
PROCESS FOR PRODUCING NEMADICTIN USING THE STRAIN

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
37 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 10, 2006

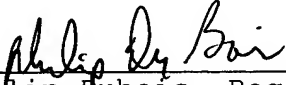
Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office mailed on February 9, 2006, applicants submit herewith a declaration from the inventors of the present application. The surcharge of \$130 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date was paid at the time of filing the application.

Applicants also submit herewith a sequence listing pursuant to 37 CFR \$1.821-1.825.

Respectfully submitted,

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/535,263	Satoshi Omura	8012-1318

INTERNATIONAL APPLICATION NO.
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PCT/JP03/07407

I.A. FILING DATE	PRIORITY DATE
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06/11/2003

466  
YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
2ND FLOOR  
ARLINGTON, VA 22202

CONFIRMATION NO. 7152

371 FORMALITIES LETTER



\*OC000000017977051\*

Date Mailed: 02/09/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/17/2005
- English Translation of the IA filed on 05/17/2005
- Copy of the International Search Report filed on 05/17/2005
- Copy of IPE Report filed on 05/17/2005
- Information Disclosure Statements filed on 05/17/2005
- Request for Immediate Examination filed on 05/17/2005
- U.S. Basic National Fees filed on 05/17/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825 (d). If applicant desires the sequence listing in the instant application to be identical with that of another

application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/535,263	PCT/JP03/07407	8012-1318

MAIL STOP MISSING PARTS  
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IN THE U.S. PATENT AND TRADEMARK OFFICE

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Filed May 17, 2005

STRAIN BELONGING TO THE GENUS STREPTOMYCES  
AND BEING CAPABLE OF PRODUCING NEMADICTIN AND  
PROCESS FOR PRODUCING NEMADICTIN USING THE STRAIN

**RESPONSE IN SUBMISSION PURSUANT TO 37 CFR §1.821-1.825**

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 10, 2006

Sir:

This replies to the Notification of Missing  
Requirements mailed February 9, 2006.

**Remarks** begin on page 2 of this paper.

An **Appendix** is attached following the signature page of  
this paper.

REMARKS

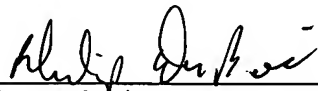
Responsive to the requirement for submission of a Sequence Listing, imposed in the outstanding Official Action, the same is provided herewith, attached to the present response, in paper and disc formats. Applicants hereby state that the attached paper and computer readable copies have the same content, and introduce no new matter into the present application.

In view of the above, it is respectfully submitted that the above-identified application complies with the requirements for patent applications containing nucleotide sequences and/or amino Acid sequence disclosures.

Favorable consideration of this application is respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON



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**Appendix:**

The Appendix includes the following items:

- sequence listing in paper and electronic formats